

**U.S. Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
ROW Renewal for Selenow Access Road**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management



Categorical Exclusion

ROW Renewal for Selenow Access Road

DOI-BLM-CO-F02–2015–0026 CX

Prepared by
U.S. Department of the Interior
Bureau of Land Management
Canon City, CO

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Chapter 1. Name

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A. Background

BLM Office:

Royal Gorge Field Office, LLCOF02

Lease/Serial/Case File No.:

COC-40754

Proposed Action Title/Type: Right-of-way renewal for an access road serving a private residence.

Location of Proposed Action:

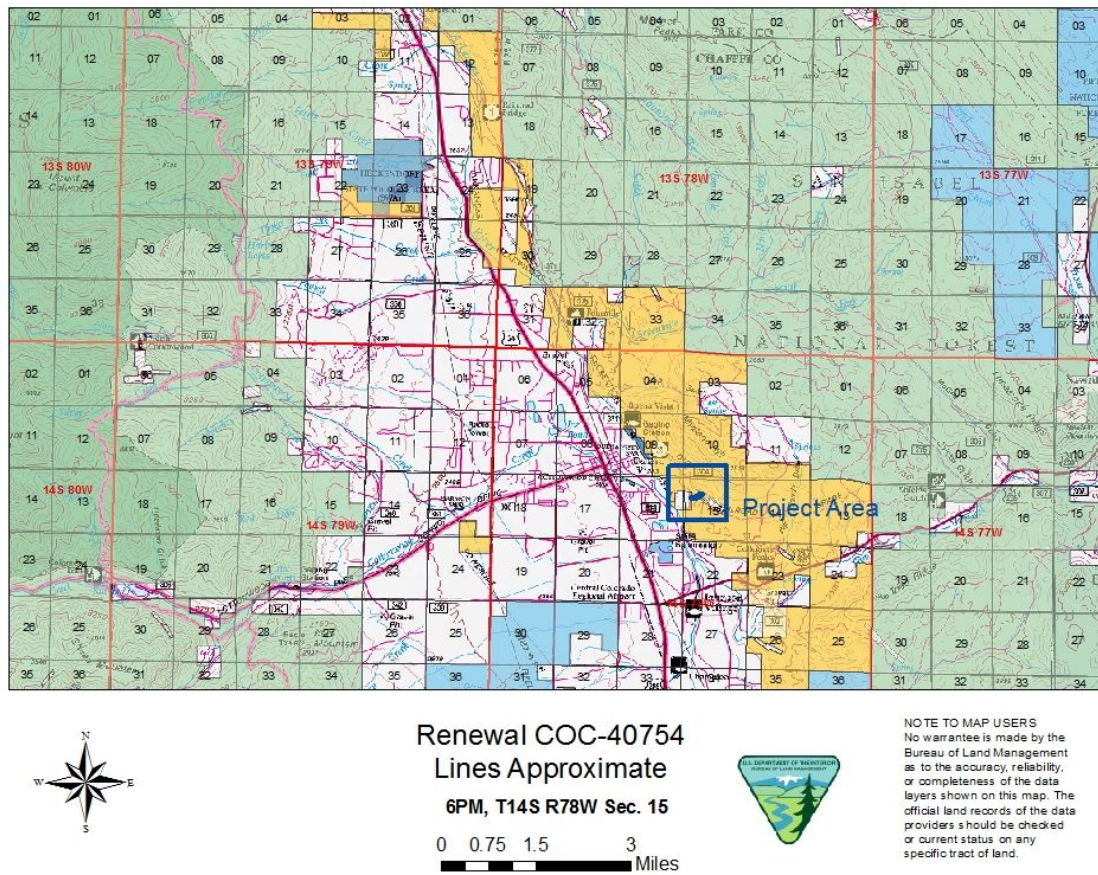
Chaffee County, CO

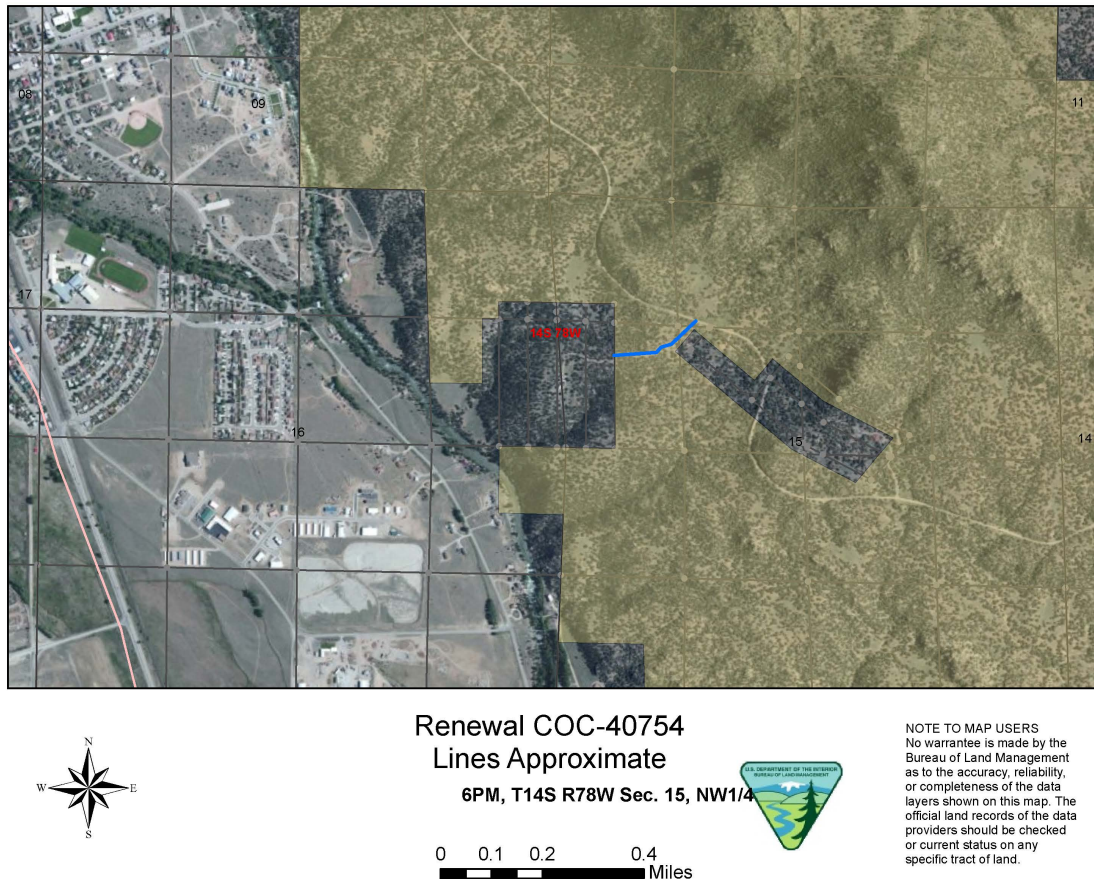
6th PM, T.14S., R. 78 W., Section 15; NW1/4

Applicant: Victor Selenow

Description of Proposed Action:

The BLM action is to renew a Right-of-Way to Victor R. Selenow for the construction, operation, and maintenance of a one lane access road 1000 feet long and 10 feet wide which is used to access private land. Renewal of the right-of-way will allow for the continued use of the existing road under the terms and conditions of a new right-of-way grant and following attached stipulations. The right-of-way authorizes access across public land from Chaffee County Road 304 to the private land. The access road is approximately one mile southeast of the town of Buena Vista. Maintenance is limited to minor grading and filling, limbing of trees, and installation of one water bar and one culvert. Fill material shall not come from public land. The right-of-way was issued on October 3, 1985 and expires October 2, 2015. The application to renew was received in a timely manner.





B. Land Use Plan Conformance

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

Land Use Plan Name:

Name of Plan: Royal Gorge Management Plan

Date Approved: May 13, 1996

Decision Number: 1-54

Decision Language: The Western Utility Group's study for corridor designation will be adopted for major rights-of-way with addition of the existing transportation corridors. Minor rights-of-way will be authorized on a case-by-case basis on proposals outside of exclusion areas. Minor rights-of-way could be authorized in avoidance areas only when stipulations will protect values. Specific measures to minimize impacts to sensitive resources and reduce potential for conflict of uses have been identified in the attached and are incorporated in the proposed action.

Date Approved/Amended: May 13, 1996

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9,

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

I considered:

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 (E16). None of the following exceptions in 43CFR46.215,, Appendix 2, apply.

Table 1.1. Exclusion Criteria

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations.		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.		X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		X

Table 1.2. Interdisciplinary Team Review

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 2/17/2015
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 2/9/2015
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 8/3/15
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 2/17/2015
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 3/16/15
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 2/11/15
Ty Webb	Fire Management Officer	Air Quality	2/9/15
Dave Parker	Cadastral Surveyor	Cadastral Survey	DP 5/27/15
Linda Skinner	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	LS, 3/3/2015
Ken Reed	Forester	Forestry	KR, 5/21/15
Monica Weimer	Archaeologist	Cultural, Native American	MMW, 4/9/15
Rich Rotte	Realty Specialist	Realty	RAR, 1/21/15
Ty Webb	Fire Management Officer	Fire	2/9/15

REMARKS:

Cultural Resources: Two isolated finds were located during the cultural resources inventory [Report CR-RG-15-83 (P)], however, the IFs do not meet the criteria for National Register of Historic Places eligibility. Therefore, the proposed undertaking will not affect historic properties.

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Wastes, Solid or Hazardous: It is assumed that conditions associated with the proposed project site are currently clean and that no contamination is evident. No hazardous material, as defined by 42 U.S.C. 9601 (which includes materials regulated under CERCLA, RCRA and the Atomic Energy Act, but does not include petroleum or natural gas), will be used, produced, transported or stored during project implementation. Nothing in the analysis or approval of this action by BLM authorizes or in any way permits a release or threat of a release of hazardous materials (as defined under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations) into the environment that will require a response action or result in the incurrence of response costs.

D. Approval and Contact Information

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Rich Rotte

SUPERVISORY REVIEW: Jay Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 8/17/15

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Keith E. Berger

Keith E. Berger, Field Manager

DATE SIGNED: 8/18/15